

## **REMARKS**

### **I. Introduction**

In response to the pending Office Action, Applicants have amended claims 2 and 3 so as to address the rejection of the same under 35 U.S.C. § 112, first paragraph, and claims 3 and 4 have been amended to address the objection thereto raised in paragraph 1 of the Office Action. In addition, claim 3 has been amended to further clarify the intended subject matter of the present invention. No new matter has been added.

Applicants would like to thank the Examiner for the indication that claims 4, 8 and 9 contain patentable subject matter.

### **II. The Rejection Of Claims 2, 3, 5 And 10 Under 35 U.S.C. § 112**

Claims 2, 3, 5 and 10 were rejected under 35 U.S.C. § 112, first paragraph. In response, Applicants have amended claims 2 and 3 so as to make clear that the comparator functions to compare an edge of the clock signal, on which the data signal is intended to be latched, to **one of** a leading edge and a trailing edge of the data signal during each cycle of the clock signal, as is shown, for example, in Fig. 2. It is respectfully submitted that the foregoing amendment addresses the issue raised by the Examiner in paragraph 3 of the Office Action. As such, it is submitted that the pending rejection has been overcome.

Further, as claim 2 has not been rejected in view of any prior art reference, it is respectfully submitted that claim 2 is now in condition for allowance.

### III. The Rejection Of The Claims In View of Suzuki

Claims 3, 5 and 10 were rejected under 35 U.S.C. § 102 as being anticipated by USP No. 5,952,857 to Suzuki. Applicants respectfully submit that, as amended, claim 3 is not anticipated by Suzuki for at least the following reasons.

As detailed in the specification, one objective of the present invention is that the delay means delays only the clock signal such that the rising edge or the falling edge of the clock signal does not occur during a transition interval of the input data signal. In order to accomplish the foregoing, as amended, the delay means comprises a *comparator for **comparing an edge of the clock signal, which has not been subject to delay***, to one of the leading and trailing edges of the data signal, and a delay circuit for defining the delay time based on a result of this comparison. Thus, in accordance with amended claim 3, the comparator ***receives as one input an undelayed clock signal*** (which corresponds to the edge of the clock signal on which the data signal is intended to be latched), as is shown in Fig. 1.

In contrast, referring to Fig. 1 of Suzuki, it is shown that the CLK signal is coupled to the phase-comparison circuit 20 by means of a delay circuit 22. Thus, at a minimum, the phase-comparator circuit 20 of Suzuki does not receive a non-delayed clock signal as an input signal, and therefore does not disclose the foregoing element of

amended claim 3.

Furthermore, with regard to the suggestion that the delay circuit 22 of Suzuki can be varied between a minimum value and a maximum value, it is improper to simply conclude that the minimum delay of Suzuki is negligible as is asserted on page 6 of the Office Action. Indeed, it does not appear that Suzuki discloses the minimum delay value, so there is no basis for even attempting to argue that the delay is negligible. Moreover, upon review of Fig. 5 of Suzuki, which illustrates the delay circuit, it is clear that the minimum delay is not zero. Thus, Suzuki does not disclose an undelayed clock signal coupled to the input of the comparator, and it is absolutely improper to avoid this conclusion by asserting the delay is negligible. Even if small, there is still a delay and therefore it does not correspond, nor can it be read on, a non-delayed signal.

Accordingly, as anticipation under 35 U.S.C. § 102 requires that **each element of the claim** in issue be found, either expressly described or under principles of inherency, in a single prior art reference, ***Kalman v. Kimberly-Clark Corp.***, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), for the foregoing reasons, it is clear that Suzuki does not anticipate claim 3, or any claim dependent thereon.

#### **IV. Request For Notice Of Allowance**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Respectfully submitted,

McDERMOTT, WILL & EMERY

Date: 1/15/04

By:   
Michael E. Fogarty  
Registration No. 36,139

600 13th Street, N.W. , Suite 1200  
Washington, D.C. 20005-3096  
Telephone: 202-756-8000  
Facsimile: 202-756-8087

WDC99 864724-1.043889.0861